

1 **Thomas P. Riley, SBN 194706**
2 **LAW OFFICES OF THOMAS P. RILEY, P.C.**
3 **First Library Square**
4 **1114 Fremont Avenue**
5 **South Pasadena, CA 91030**

6 **Tel: 626-799-9797**
7 **Fax: 626-799-9795**
8 **TPRLAW@att.net**

9 **Attorneys for Plaintiffs**
10 **J & J Sports Productions, Inc.**

11 **UNITED STATES DISTRICT COURT**
12 **FOR THE**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 **J & J Sports Productions, Inc.,**
15 **Plaintiff,**

16 **vs.**

17 **James A. Dailey, et al.**
18 **Defendant.**

19 **CASE NO. CV 09-2558 ADR MHP**

20 **PLAINTIFF'S *EX PARTE***
21 **APPLICATION FOR AN ORDER**
22 **VACATING THE CASE**
23 **MANAGEMENT CONFERENCE; AND**
24 **ORDER ~~(Proposed)~~**

25 Plaintiff J & J Sports Productions, Inc., hereby applies *ex parte* for an order vacating the Case
26 Management Conference in this action, presently set for Monday, November 30, 2009 at 4:00 p.m.

27 This request will be, and is, necessitated by the fact that defendant James A. Dailey is in default and
28 Plaintiff's Application for Default Judgment is presently pending before the Court.

As such, as of this writing, Plaintiff has yet to receive an answer or any other responsive
pleading from the defendants. As a result, Plaintiff's counsel has not conferred with the defendant
concerning the claims, discovery, settlement, ADR or any of the other pertinent issues involving the
case itself or the preparation of a Case Management Conference Statement.

///

///

PROOF OF SERVICE (SERVICE BY MAIL)

I declare that:

I am employed in the County of Los Angeles, California. I am over the age of eighteen years and not a party to the within cause; my business address is 1114 Fremont Avenue, South Pasadena, California. I am readily familiar with this law firm's practice for collection and processing of correspondence/documents for mail in the ordinary course of business.

On November 30, 2009, I served:

**PLAINTIFF'S *EX PARTE* APPLICATION FOR AN ORDER VACATING THE
CASE MANAGEMENT CONFERENCE; AND ORDER (Proposed)**

On all parties in said cause by enclosing a true copy thereof in a sealed envelope with postage prepaid and following ordinary business practices, said envelope was duly mailed and addressed to:

James A. Dailey (Defendant)
6508 Sunnymere Ave.
Oakland, CA 94605

I declare under the penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct, and that this declaration was executed on November 30, 2009, at South Pasadena, California.

Dated: November 30, 2009

/s/ Maria Baird
MARIA BAIRD